

PROB 12C
(6/16)

Report Date: December 21, 2018

United States District Court
for theFILED IN THE U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Eastern District of Washington

JAN - 2 2019

Petition for Warrant or Summons for Offender Under Supervision

SEAN F. MCAVOY, CLERK

, DEPUTY
YAKIMA, WASHINGTON

Name of Offender: Jose Martinez, Jr.

Case Number: 0980 1:17CR02023-LRS-1

Address of Offender [REDACTED] Sunnyside, Washington 98944

Name of Sentencing Judicial Officer: The Honorable Edward J. Lodge, U.S. District Court Judge

Name of Supervising Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: February 3, 2003

Original Offense: Possession with Intent to Distribute Marijuana, 21 U.S.C. § 841(a)(1); Possession of a Firearm in Relation to a Drug Trafficking Crime, 18 U.S.C. § 924(c)(1)(A); Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1);

Original Sentence: Prison - 211 months; TSR - 36 months Type of Supervision: Supervised Release

Revocation
Sentence:
(12/21/2017) Prison - 58 days; TSR - 34 months

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: January 19, 2018

Defense Attorney: Paul Shelton Date Supervision Expires: November 18, 2020

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance1 **Mandatory Condition #1:** The defendant shall not commit another federal, state, or local crime.**Supporting Evidence:** Mr. Martinez is considered to be in violation of his conditions of supervision by committing the crime of assault in the fourth degree on September 6, 2018, Yakima County District Court case number 8Z0812370.

On January 19, 2018, this officer met with Mr. Martinez upon his release from custody. Mr. Martinez reviewed and signed the judgement and sentence, which outlined the conditions of his term of supervised release.

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On September 6, 2018, per Yakima County Sheriff's Office (YSO) incident report number 18C16192, Ricardo Gutierrez contacted YSO to report he was assaulted by his nephew, Jose Martinez. YSO Deputy Klise responded and made contact with Mr. Gutierrez at his residence, 1021 Rouse Road, Sunnyside, Washington. Mr. Gutierrez stated the incident began over a telephonic conversation where Mr. Martinez became angry when he found out Mr. Gutierrez let Mr. Martinez' ex-girlfriend retrieve her clothes from his residence. Mr. Martinez then went to the residence and started yelling at Mr. Gutierrez about the clothes. Mr. Gutierrez stated after he told Mr. Martinez he was going to call the police and reached to grab his phone. That is when Mr. Martinez assaulted him by hitting Mr. Gutierrez in the middle of his back with what he believed to be an open hand. Mr. Martinez then left the residence. Mr. Gutierrez was not injured and had no idea where Mr. Martinez was going. Mr. Martinez was residing with Mr. Gutierrez for the past 2 weeks. The deputy checked Mr. Gutierrez' back and did not observe any red marks, welts, or bruising. Mr. Martinez was not located and a citation for domestic violence assault in the fourth degree was forwarded to the Yakima County Prosecutor's Office.

On December 18, 2018, an arraignment was held in Yakima County District Court and Mr. Martinez was charged with assault in the fourth degree domestic violence. Mr. Martinez plead not guilty and is scheduled for a pretrial hearing on January 22, 2019.

- 2 **Special Condition #1:** You must complete 100 hours of community service. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

Supporting Evidence: Mr. Martinez is considered to be in violation of his conditions of supervision by failing to complete 100 hours of community service.

On January 19, 2018, this officer met with Mr. Martinez upon his release from custody. Mr. Martinez reviewed and signed the judgement and sentence, which outlined the conditions of his term of supervised release.

On October 12, 2018, this officer met with Mr. Martinez to address his community service hours and his need to complete them. Mr. Martinez was given a deadline of December 12, 2018, to complete the 100 hours or action would be taken.

On December 13, 2018, this officer met with Mr. Martinez to discuss his community service balance. Mr. Martinez stated he did not complete any hours.

- 3 **Special Condition #5:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Martinez is considered to be in violation of his conditions of supervision by consuming a controlled substance, marijuana, on August 28, 2018, and November 27, 2018. Mr. Martinez also consumed methamphetamine on November 27, 2018, and December 4 and 20, 2018.

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On January 19, 2018, this officer met with Mr. Martinez upon his release from custody. Mr. Martinez reviewed and signed the judgement and sentence, which outlined the conditions of his term of supervised release.

On August 28, 2018, Mr. Martinez reported to the probation office and submitted a urinalysis (UA) test, which tested presumptive positive for marijuana use. The specimen was sent to Alere Laboratory for confirmation testing and the results were confirmed positive for marijuana. Offender stated to have ingested edible marijuana.

On December 10, 2018, this officer conducted a home visit. During the visit, Mr. Martinez admitted to consuming methamphetamine and marijuana on November 27, 2018, and methamphetamine on December 4, 2018. This officer collected a UA which tested presumptive positive for methamphetamine and marijuana.

On December 20, 2018, Mr. Martinez reported to the probation office and submitted a UA, which tested presumptive positive for methamphetamine. The specimen was sent to Alere Laboratory for confirmation testing. Test results are currently pending.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/21/2018

s/Arturo Santana

Arturo Santana
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

1/2/19

Date